

REMARKS

Claims 3-9, 12-18, 21, 22, 37 and 38 remain in connection with the present application. Claims 25 and 26 are cancelled without any disclaimer of the subject matter contained therein.

Allowed Claims

Applicants wish to thank the Examiner for the indication that claims 3-9, 12-18, 21, 22, 37 and 38 are allowed in connection with the present application.

Information Disclosure Statement

Applicants respectfully note that the present action does not indicate that the references cited in the Information Disclosure Statement filed on September 8, 2008 have been considered. Applicants respectfully request that the Examiner's next communication include an indication that the references cited in the Information Disclosure Statement filed on September 8, 2008 have been considered.

Rejections Under 35 U.S.C. §101

Claims 25-26 stand rejected under 35 U.S.C. §101 as being direct to non-statutory subject matter. Even though Applicants do not agree with the rejection, Applicants have cancelled claims 25-26 without any disclaimer of the subject matter contained therein. Therefore, the rejection of claims 25-26 is rendered moot.

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 25-26 under 35 U.S.C. §101.

Rejection Under 35 U.S.C. §112

Claims 25-26 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Even though Applicants do not agree with the rejection, Applicants have cancelled claims 25-26 without any disclaimer of the subject matter contained therein. Therefore, the rejection of claims 25-26 is rendered moot.

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 25-26 under 35 U.S.C. §112.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. §1.116 because the Amendment places the application in condition for allowance for the reasons discussed herein. More specifically, claims 25-26 have been cancelled without any disclaimer of the subject matter contained therein. Therefore, all of the remaining claims, claims 3-9, 12-18, 21-22 and 37-38, are allowed.

Conclusion


Accordingly, in view of the above Amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By 
Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

DJD/akp